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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,732

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EXAMINER

WONG, KWOK CHEUNG

ART UNIT

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4156

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,732	Applicant(s) GUSTAFSSON, MORGAN	
	Examiner KWOK C. WONG	Art Unit 4156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/2/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/9/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/07/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The element “indicator” mentioned in Claims 1 & 3 is not described or explained in the specification.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 2, Element 19. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

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action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

1. Claim 1 is objected to because of the following informalities: (a) Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. Appropriate correction is required.
2. Claim 2 is objected to because of the following informalities: "Device as per patent claim 1..." is not a patent yet. Appropriate correction is required.
3. Claim 3 is objected to because of the following informalities: "Device as per patent claim 1..." is not a patent yet. Appropriate correction is required.
4. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the normal operating position" in Line 4. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 1 recites the limitation "the testing position" in Line 5. There is insufficient antecedent basis for this limitation in the claim.
4. Regarding Claim 1, the phrase "e.g. a fluid" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
5. Claim 1 recites the limitation "the type of influence.." in Line 6. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 1 recites the limitation "said device" in Line 7. There is insufficient antecedent basis for this limitation in the claim.

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7. Claim 1 recites the limitation "the upper position" in Line 12. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 1 recites the limitation "the lower position" in Lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation "the whole" in Line 17. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 1 recites the limitation "the lower seal" in Line 21. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 1 recites the limitation "the middle seal" in Line 21-22. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Element (13) was labeled as "a channel" in Line 16 and Claim 2 describes element (13) as "a cavity" in Line 27.

13. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The element (5-7) was labeled as "the device's direct channel" in Line 14 and further labeled in Claim 1 as "a direct through-flow channel" in Line 22.

14. Regarding Claim 3, the phrase "such as propylene glycol" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

15. Regarding Claim 5, the phrase "the upper position" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

16. Claim 5 recites the limitation "the action" in Line 8. There is insufficient antecedent basis for this limitation in the claim.

The remainder of the action is considered as best understood.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4077427 (Rosan, Jr. et al., March 7, 1978) due to a lack of novelty.

3. Rosan, Jr. et al. discloses the elements of Claim 1 as follows:

Device to determine if a flow-controlled gaseous medium has suffered any effects, the device, in the normal operating position, allowing the medium free and direct through-passage ([0001], Lines 61-66) and, in the testing position, allowing the medium to pass through an indicator, e.g. a fluid, that indicates the type of influence to which the medium has been exposed ([0002], Lines 2-12).

Said device comprises

a housing ([0001], Lines 41-45; [0003], Lines 11-14)

with a flow control body that can move between two positions

([0001], Lines 45-49; [0001], Line 61; [0002], Lines 2-4)

the medium being able to flow directly through the device ([0001], Lines 61-66)

with said body in one of its positions and being forced to flow through the indicator ([0002], Lines 2-12)

with said body in its other position, the housing and

flow control body being so designed that, with the latter in one of its positions (the upper position), the medium flows directly through the device while, contemporaneously, the indicator is closed off from the device's direct channel for the medium ([0001], Lines 61-66) and, with the flow control body in its other position (the lower position), said channel being broken and replaced by a channel through the indicator ([0002], Lines 2-12), the whole being characterised by the flow control body being cylindrical and mobile within a cylindrical cavity in the housing ([0001], Lines 42-49; [0001], Line 61; [0002], Lines 2-3) and, additionally, by the flow control body having three seals spaced along it and projecting from the body to the perimeter of the cavity, the lower seal and the middle seal working together to form a direct through-flow channel and the lower seal completely closing off the indicator from said direct through-flow channel ([0003], Lines 49-51; [0003, 0004], Lines 63-68, Lines 1-2; [0004], Lines 51-59).

4. Rosan, Jr. et al. discloses the elements of Claim 2 as a flow control body, having a cavity at the body's lower end, completely open and having an opening at the upper end of the cavity, and forms a through-flow channel when the flow control body is in its

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lower position ([0001], Lines 52-56; [0002], Lines 1-12; [0004], Lines 60-64; [0005], Lines 27-35).

5. Rosan, Jr. et al. discloses the elements of Claim 3 as an indicator being a fluid such as propylene glycol in a transparent compartment ([0003], Lines 27-29; Lines 36-42).

6. Rosan, Jr. et al. discloses the elements of Claim 5 as a flow control body taking a home position due to the action of a spring ([0003], Lines 52-58; [0004], Lines 28-33).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KWOK C. WONG whose telephone number is (571)270-3764. The examiner can normally be reached on M-F 7:30-5:00 EST (alt. Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kwok Wong
Patent Examiner
January 4, 2008

/DMITRY SUHOL/
Primary Examiner, Art Unit 3725